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and right in the special case ; but there is a restatement of the old error that emancipation at the South was retarded by anti-slavery agitation at the North, — the simple fact being that slavery renewed its lease of life in the Border States, and especially Virginia, by the rise in the value of slaves, which brought enormous profit to the trader.

General Scott is a truly distinguished man, and his countrymen have never been slow to recognize it. A soldier of tried gallantry, a leader of conspicuous skill, an able organizer, he has been no less successful as a negotiator and healer of differences where courage was to be tempered with prudence. It is a pity that he had not also that reserve which is the complement of a great character. Fame, where it has any substance, may be safely left with those who come after. Even Envy, it has been keenly said, is a lover of the dead ; and one, the great events of whose life are parts of the history of his country, should have been willing to trust his memory to his country's keeping. As it is, we can only hope that she will kindly forget his works in consideration of his deeds.

5. — *The History of Cape Cod*. Vol. I. *The Annals of Barnstable County, including the District of Marshpee*. Vol. II. *The Annals of the Thirteen Towns of Barnstable County*. By FREDERICK FREEMAN. Boston. 1860, 1862. 8vo. pp. 803, 803. Portraits 15, 17.

As regards the writing of New England local history, we are in the last days of grace, and such portions of it as are not very soon committed to the press will be lost forever. The last twenty years have done more toward obliterating traditions than the whole previous century. Until within the lifetime of the present generation, the annals of our towns and villages hardly needed to be put on paper, so minute and vivid were the reminiscences of early days that passed from mouth to mouth and from parent to child, and so numerous were the memorials of the fathers, each of them the nucleus of a circumstantial narrative. History and genealogy formed a large part of the conversation among friends and neighbors. All this is changed now. Old landmarks are passing away, and Young America recognizes no geography but that of the Railroad Guide. With steam-carriage and telegraph, with daily news from the whole world finding its way to every farm-house, and especially with the intense and agonizing excitement incident to our second war of freedom, the past is no longer dwelt upon as it was wont to be, and its living chroniclers look in vain for successors in a generation that is giving itself to the making of fresh history.

Mr. Freeman's History has, therefore, the merit of timeliness. Its

materials were collected before the war began. Had the work been postponed but a few years, it must needs have been much less complete. It preserves many details both of general and of local interest, the evidence of which might have soon perished. It is enriched by contributions from that race of reverent inheritors of oral tradition which is so fast disappearing.

Mr. Freeman has performed his work, not as a task, but as a privilege. A loyal son of Cape Cod, he is erecting a monument of filial piety, and he is too good a workman to build it of rough-hewn stones or untempered mortar. His conscientious regard for truth and fact appears in every portion of these volumes. The two volumes are virtually two separate works, covering the same period of time and the same territory, touching each other at numberless points, yet preserved from mutual overlapping and repetition by the author's good taste and diligent care, while they both equally manifest the extent of his researches, and his keenness and tact as an investigator. The first volume comprises the history of Cape Cod considered as a geographical unit, as inhabited by a community in many respects *sui generis*, — by a people more closely affiliated, indeed, to the original stock of the Plymouth and Massachusetts Bay Colonies, than are the dwellers in any other portion of the Commonwealth, and endowed with peculiar attributes growing out of their relations to land and water, their pursuits, and their peninsular separation from the rest of the States. The second volume is a series of histories of the thirteen towns that constitute Barnstable County. Each of these histories contains a minute description of the situation, boundaries, surface, natural divisions, and separate settlements and neighborhoods of the town, with selections from its annals, sketches of the lives and characters of its prominent citizens, and genealogies of its principal families, the text being relieved of the less readable matter by numerous and copious foot-notes. Both volumes are illustrated by portraits of the "village fathers," as well as of men of extended celebrity who have been born on the Cape.

The history of Cape Cod has a national interest and value. In the time of the Revolution, no section of the country was more loyal to the new government, or more prompt in its offerings of men and money to the common cause. The records of its town-meetings at that period are replete with genuine patriotism, and are an index of the indomitable spirit to which, more than to any of the ordinary instrumentalities of warfare, our people were indebted for their independence. We see in these memorials what it was that could not be conquered by the whole force of the British empire. On yet another ground, the contents of the town histories are of more than a merely local importance. The

Cape, while it has never failed to retain an intelligent, hardy, enterprising, and prosperous population, has been rendered illustrious by its emigrants. The bar and bench of Massachusetts and Maine, the higher departments of maritime service in New England, and the commerce of Boston, have been indebted for a singularly large proportion of their distinguished names to the old Cape families; and we may here trace not a few of the pedigrees which were honored from the first, but have branched out into a wider fame in the last and the present generation.

We are glad to give emphatic commendation to the ability and thoroughness with which Mr. Freeman has executed his praiseworthy task.

6. — 1. *The Province of Jurisprudence determined, being the First Part of a Series of Lectures on Jurisprudence, or, the Philosophy of Positive Law.* By the late JOHN AUSTIN, Esq., of the Inner Temple, Barrister at Law. Second Edition. London: John Murray. 1861. 8vo.
2. *Lectures on Jurisprudence, being the Sequel to "The Province of Jurisprudence determined." To which are added Notes and Fragments now first published from the Original Manuscripts.* By the late JOHN AUSTIN, &c., &c. London: John Murray. 1861. 2 vols. 8vo.

JOHN AUSTIN is conspicuous among the most distinguished jurists of the present century. His reputation, great at his death, has since steadily increased, and will deservedly continue to increase. And yet his reputation is even more one of promise than of fulfilment. What he did was little in comparison with what he designed. The three volumes before us, two of them in a fragmentary and unfinished condition, comprise all that he has left us by which to judge him.

Incomplete, however, as his works are, we gain from them the highest opinion of Mr. Austin's juridical talents. If the reputation they now give their author had at once followed the publication of his first book, it might have stimulated him to put his great designs into execution, and produce something worthy of his ability. He at one time planned a most extensive work, to be entitled "*The Principles and Relations of Jurisprudence and Ethics.*" In this he intended to show the relations of positive morality and law to each other, and of both to their common standard.

He designed also to treat of the subject of his present work, "*The Philosophy of Positive Law,*" in an exhaustive and thorough manner. He has written a masterly sketch of the scope and method of treatment of his work, but he fell far short of completing the work itself. Had Mr. Austin devoted himself to this subject with zeal, and applied to it his wonderful skill of analysis and method, he might have produced